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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/929,030

08/15/2001

Masood Garahi

41747

1872

7590

11/03/2004

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EXAMINER

ABELSON, RONALD B

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/929,030

Applicant(s)

GARAHI ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 16, 23 and 25 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6-9, 11, 13, 14, 17, 20, 24 and 26 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 10, 12, 18, 19, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/15/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***RCE***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/18/2004 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 8, 9, 11, 17, 20, 24, and 26 rejected under 35 U.S.C. 102(e) as being anticipated by Chang (US 6,317,453).

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Regarding claims 1, 8, 24, and 26, Chang teaches a method and apparatus for a mobile access point (fig. 9 element 504), adapted for use with a packet-switched communications network (CDMA, col. 9 line 53) comprising at least one fixed access point (fig. 9 Relay station for backhaul network), to provide a mobile wireless user terminal (fig. 9 users communicating with antennas 506) with access to the network while said mobile access point is moving. The examiner maintains the truck (fig. 9 box 504) may slowly move a short distance and the microwave link between the microwave disks will be maintained.

Chang teaches at least one transceiver, adapted to transmit and receive communications signals to and from the wireless user terminal (fig. 9 box 506), and including a wireless backhaul, adapted to communicate with said fixed access point to enable said at least one transceiver to operate as a communications link between said wireless user terminal and the fixed access point (fig. 9 wireless backhaul, col. 9 lines 55-63), to provide the wireless user terminal with access to the network via the communications link while said mobile access point is moving.

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Chang teaches a structure, adapted to house the at least one transceiver, and being adapted to mount on or in a mobile vehicle (fig. 9 box 506).

Regarding claim 8, in addition to the limitations previously mentioned, coupling a mobile access point to a mobile vehicle (fig. 9 box 504).

Regarding claims 4, 11, 24 and 26, in addition to the limitations previously mentioned, the transceiver is further adapted to provide a second communications link between said user terminal and another user terminal (CDMA, col. 9 line 53). Note, in CDMA the cells are designed to facilitate communication with more than one user.

Regarding claim 9, providing a substantially constant power supply to the mobile access point (col. 9 lines 54-55).

Regarding claims 17 and 20, the wireless backhaul includes a microwave backhaul (fig. 9 wireless backhaul, col. 9 lines 61-63).

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4. Claims 6, 7, 13, and 14 rejected under 35

U.S.C. 103(a) as being unpatentable over Chang as applied to claims 1 and 8 above, and further in view of Beason (US 6,373,430).

Chang fails to teach a mobile access point comprising a location determiner, as specified in claims 6 and 13; and the location determiner includes GPS, as specified in claims 7 and 14.

Beason teaches a GPS location determiner for a mobile transceiver (fig. 1, col. 2 lines 43-48).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Chang by incorporating within the movable cell of Chang (fig. 9 box 504) a GPS device. This would improve the system by providing a means to inform the network of the current location of the movable cell.

***Allowable Subject Matter***

5. Claims 15, 16, 23, and 25 are allowed.

Claims 2, 3, 5, 10, 12, 18, 19, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form

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including all of the limitations of the base claim and any intervening claims.

Regarding claims 2, 10, 15, 16, 23, and 25, although Chang teaches a power connection (col. 9 lines 54-55), nothing in the prior art of the record teaches nor fairly suggests the power connection is coupled to the power supply of the vehicle, in combination with all the limitations listed in the claim. In contrast, Chang teaches the power connection is coupled the BTS (fig. 9 box 510).

Regarding claims 5 and 12, nothing in the prior art of the record teaches or fairly suggests the transceiver is adapted to provide a second communications link with another mobile access point, in view of the teachings of Chang in combination with all the limitations listed in the claim.

Regarding claims 18 and 21, nothing in the prior art of the record teaches or fairly suggests a wireless ad-hoc network, in view of the teachings of Chang in combination with all the limitations listed in the claim.

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Regarding claim 19, nothing in the prior art of the record teaches or fairly suggests a mobile access point comprising a plurality of transceivers, in view of the teachings of Chang in combination with all the limitations listed in the claim.

Regarding claim 22, nothing in the prior art of the record teaches or fairly suggests establishing a second communications link between said mobile access point and another said fixed access point via another wireless backhaul, such that said second communications link provides another wireless user terminal access to said network via said another fixed access point while said mobile access point is moving, in view of the teachings of Chang in combination with all the limitations listed in the claim.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.




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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ronald Abelson  
Examiner  
Art Unit 2666

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6/29/08